

PENN TOWNSHIP PLANNING COMMISSION
JUNE 1, 2023

Chairman Zach Smith called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, June 1, 2023. Also present were planning members Pamela Berlingo, Ronnie Bull, Justin Heiland and Michael Hoover along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner Ronald Arnold was absent with notice.

All in attendance stood for the Pledge of Allegiance to the Flag, which was followed by a period of silent meditation.

The planners approved the May 4, 2023, Planning Commission minutes as submitted.

The planners received the following zoning appeals and made the following recommendations:

ZHB23-09- TrueNorth Wellness Services, 625 W. Elm Avenue, Hanover, PA 17331. The applicant is requesting a special exception under Section 310 (Number of principal uses on a lot) in order to operate a house of worship as a second use. The property is located at 1181 Westminster Avenue, Hanover, PA 17331 in the R-22 zone.

Zoning Officer Smith noted that this is a use permitted by right. The facility has eighty parking spaces, and there is a concern whether it would be enough spaces for the dual uses. Mr. Garrett Trout, CEO TrueNorth Wellness Services represented this request. Mr. Trout stated that the church will be using the facility Friday evening through Sunday when normal business operations would be closed. They are renting the all-purpose/gymnasium on a month-to-month basis until the church can purchase their own facility. He reported the average attendance for the church is seventy and, on a holiday, attendance may reach one hundred. The fire code for maximum attendance for the room is two hundred.

Planners Bull/Hoover moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-09 TrueNorth Wellness Services, requesting a special exception under Section 310 (Number of principal uses on a lot) in order to operate a house of worship as a second use as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion carried with the condition the request be revisited in one-year on a 5-0 vote.

ZHB23-10- Charles Baynes, 36 Arbor Lane, Hanover, PA 17331. The applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool that does not meet the rear setback requirements. The property is located at 36 Arbor Lane, Hanover, PA 17331 in the R-15 zone.

Zoning Officer Smith provided the Commission with a layout of the odd shaped lot. Mr. Charles and Ms. Heather Baynes, property owners, represented this request. Mr. Baynes stated they would like to place an eighteen foot above ground pool in the back yard, approximately fifteen feet from the rear property line. He stated that they would also like to build a deck from the house to the pool. Zoning Officer Smith reported there was no mention of a deck on the application. Mrs. Baynes stated that the backyard is graded with a slope, and fully fenced. The Commission advised that if the variance for the pool is approved, the deck must meet all setbacks. Planner Hoover advised Mr. and Mrs. Baynes to talk to Zoning Officer Smith regarding the plans for the deck prior to installation of the pool.

Planners Smith/Bull moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-10 Charles Baynes requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried with the condition the pool is a minimum of 15 feet from the rear property line on a 5-0 vote.

ZHB23-11- Theresa Francis, 22 Cardinal Drive, Hanover, PA 17331. The applicant is requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool that does not meet the rear setback requirements. The property is located at 22 Cardinal Drive, Hanover, PA 17331 in the R-15 zone.

Zoning Officer Smith reported that this is an 8,000 square foot lot, the rear setback is thirty feet, and there is thirty-five to thirty-eight feet from the house to the rear property line. Ms. Theresa Francis, the property owner, represented this request. Ms. Francis stated that she would like to install a 16X10 oval pool, at least twelve feet from the rear property line, she may be able to move the pool closer to the house if needed. She will be installing the pool, and it can be taken down at the end of the season. The yard is fully fenced.

Planners Bull/Hoover moved for a favorable recommendation to the Penn Township Zoning Hearing Board in case ZHB23-11 Theresa Francis requesting a variance to Section 300.8 (Swimming Pools/Garden Pools) in order to have an above ground pool as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried with the condition the pool is a minimum of 15 feet from the rear property line on a 3-2 vote with Planners Berlingo and Heiland casting the dissenting votes.

Review and make recommendations on waiver and exoneration requests:

Hanover Land Services, Inc on behalf of Liberty Restoration & Construction LLC, are requesting a waiver to Section 605 (Landscaping and Bufferyards) of the Penn Township Subdivision and Land Development Ordinance in regard to bufferyard requirements for the Urban Residential Zone. The property is located at 10 Westminster Avenue.

Mr. Kris Raubenstine, Hanover Land Services, represented this request. Mr. Raubenstine presented the Commission with a plan showing a five-foot bufferyard with fast growing, evergreen arborvitae trees between the property line and the paved ten space parking lot. He stated the Zoning Hearing Board granted a variance for Section 303, (Off-Street Parking Requirements) on December 14, 2021, with the condition that there be a minimum of ten parking spaces. He reported that with ten parking spaces, the area is tight. Commissioner Heiland stated that the business is in an R-8 zone, with the nature of the business the operation is loud and is concerned with the evergreen planting providing a sufficient buffer. Planner Hoover asked what the impact of this request being denied. Mr. Raubenstine stated that they would be in violation of the Zoning Hearing Board, decreasing the parking spaces to four.

Planners Hoover/Heiland moved for an unfavorable recommendation to the Penn Township Board of Commissioners for a waiver to Section 605 (Landscaping and Bufferyards) of the Penn Township Subdivision and Land Development Ordinance in regard to Liberty Restoration & Construction LLC, due to nature of the business there is insufficient space for the bufferyard. Motion carried on a 4-1 vote, with Planner Bull casting the dissenting vote.

The planners reviewed and made recommendations on the following pending subdivision/land development plans:

SL17-10-MUSTANG POINTE, J. A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood Drive and Bowman Road in the R-8 zone. **There was no action taken on this plan.**

SL21-05-ELSNER ENGINEERING WORKS, Elsner Engineering Works, 475 Fame Avenue, Hanover, PA 17331. A final subdivision plan was submitted in order to construct an Industrial Building for the expansion of Elsner Engineering. The property is located West of the intersection Barnhart Drive and Industrial Drive, Hanover, PA in the I-Industrial zone. **There was no action taken on this plan.**

SL22-01 – WATER STREET FOUR, LLC, Hanover Land Services, Inc, 585 McAllister St, Hanover, PA 17331, A Preliminary/Final Land Development plan submitted in order to create one-hundred twenty-two (122) new residential units. The property is located on Moulstown Road in the R-8 Urban Residential zone. **There was no action taken on this plan.**

SL22-07-CARROLL COUNTY CHRISTIAN CENTER, Hanover Land Services, 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final plan submitted in order to construct a new house of worship facility. The property is located at 889 Baltimore Street in the SC zone. **There was no action taken on this plan.**

SL22-10- 934 BALTIMORE STREET – CODY BENTZEL, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A Consolidation/Land Development Plan was

submitted in order consolidate two parcels, convert existing buildings and proposed building into a retail space. The property is located at 934 Baltimore Street in the HB Highway Business Zone. **There was no action taken on this plan.**

SL22-11- LIBERTY RESTORATION & CONSTRUCTION LLC, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Preliminary/Final Reverse Subdivision and Land Development Plan was submitted in order to consolidate two parcels into a sales office space. The property is located at 10 Westminster Avenue in the R-8 Urban Residential Zone.

Mr. Kris Raubenstine, Hanover Land Services, Inc., represented this plan. Mr. Raubenstine is looking for a recommendation on approval of the plan. Engineer Bortner reported the bufferyard is a concern with this plan. Planner Heiland stated he would prefer to have the Board of Commissioners' decision on the waiver request prior to making a recommendation. Mr. Raubenstine stated that he could retain the ten-parking spaces with the ten-foot bufferyard, it would just be very congested. Engineer Bortner reported that Comments have been addressed besides the landscaping and bufferyards. An Operations and Management Agreement is needed. Planner Heiland asked about the Stormwater Management plans. Mr. Raubenstine reported that it is the existing gravel parking lot and pavement. Engineer Bortner stated the gravel parking area does not meet the requirements of the Zoning Ordinance. Mr. Raubenstine stated that he will change to a paved parking area.

SL22-12- HOLLAND CONSTRUCTION -100 BLETTNER AVE, Site Design Concepts, Inc., 127 W. Market Street, Suite 100, York, PA 17401. A Preliminary/Final Land Development Plan was submitted in order to construct a proposed industrial building. The property is located at 100 Blettner Avenue in the A-O Apartment or Office Zone. **There was no action taken on this plan.**

SL22-13- STONEWICKE IV – 1025 BALTIMORE STREET, Stonewicke LP, 107 Little Bridge Road, Hanover, PA 17331. A Final subdivision plan was submitted in order to create twenty-six (26) new residential lots. The property is located at 1025 Baltimore Street in the R-15 zone. **There was no action taken on this plan.**

SL22-15- WAWA FOOD MARKET & FUELING STATION, Dynamic Engineering Consultants, PC/Dynamic Survey LLC, 1007 Baltimore Street, Hanover, PA 17331. A Preliminary Subdivision/Land Development Plan was submitted proposing the construction of a Wawa Food Market & Fueling Station. The property is located at 1007 Baltimore Street in the S/C zone. **There was no action taken on this plan.**

SL23-03-HANOVER TERMINAL INC., 201 CENTER STREET, GHI Engineers & Surveyors, 213 Carlisle St, Hanover, PA 17331. A Final Land Development Plan was submitted in order to construct a warehouse facility. The Property is located at 201 Center Street in the Industrial (I) zone.

Mr. Kevin Barnes, Group Hanover Inc., and Wayne Rice, Operations Manager, Hanover Terminal represented this plan. Mr. Barnes is looking for a recommendation for final approval. He reported they have addressed technical comments from the York County Conservation District and should have their NPDES permit before the Board of Commissioners meeting this month. Engineer Bortner stated that the bond amount will go before Public Works Committee and the Board of Commissioners this month, and the O&M Agreement is outstanding. He reported the York County Conservation District requested revisions by June 5, with stamped plans, these revisions do not change the final plan in front of the Commission.

Planners Bull/Hoover moved for a favorable recommendation to the Penn Township Board of Commissioners on SL23-03-Hanover Terminal Inc, 201 Center Street. Motion carried on a 5-0 vote.

SL23-04- 820 HERSHEY HEIGHTS ROAD – SMALL & RINKER, Hanover Land Services, Inc., 585 McAllister Street, Hanover, PA 17331. A Final Add-On Subdivision Plan was submitted in order to reverse subdivide two parcels. The property is located at 820 Hershey Heights Road in the R/C zone.

Mr. Kris Raubenstine, Hanover Land Services, Inc., represented this plan. Engineer Bortner reported the two properties have traded land back and forth several times in the past. Mr. Hoover reported that in talking with the property owners, they are seeking to tighten the property lines for clarity. Mr. Raubenstine reported that they have received York County Planning Comments and two have been addressed. He is waiting for comments from Adams County and Berwick Township. The Commission would like to wait for Adams County and Berwick Township Comments prior to making a recommendation.

Draft Zoning Ordinance: Planner Hoover has several discussion items regarding the Draft Zoning Ordinance. The addition of the primary commercial use of solar panels in a residential area, shooting range, short term rentals, kennels, and Bed and Breakfasts. Planner Heiland recommended listing items on the agenda for discussion. Zoning Officer Smith reminded the Commission that any changes made to the draft will need to go before York County Planning Commission for their recommendations.

Public Comments: There were none.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary